

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Clark Mathurin,

Plaintiff,

-against-

Celtic Bank, Equifax Information Services,
LLC and Experian Information Solutions,
Inc.,

Defendants.

USDC SDNY
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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 1/3/2022

21 Civ. 11046 (AT)

ORDER TO SHOW CAUSE

ANALISA TORRES, District Judge:

Plaintiff, Clark Mathurin, brings this action alleging violation of the Fair Credit Reporting Act and the New York Fair Credit Reporting Act. Compl., ECF No. 1. Plaintiff invokes the Court's subject matter jurisdiction pursuant to 28 U.S.C. § 1331. *Id.* ¶ 7. Plaintiff argues that venue is appropriate in this district because pursuant to 28 U.S.C. § 1391(b). *Id.* ¶ 8.

For the purposes of venue, a civil action may be brought in “(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.” 28 U.S.C. § 1391(b).

As far as the Court is aware, none of the Defendants reside in the Southern District of New York. Plaintiff alleges that the Defendants have primary places of business in Utah, Atlanta, and California. Compl. ¶¶ 12, 14, 17. Based on the Court's research, none of the Defendants are incorporated in New York. Thus, Plaintiff has not necessarily demonstrated that venue is proper in this district under § 1391(b)(1). *See* 28 U.S.C. § 1391(c)–(d). Additionally,

Plaintiff does not otherwise allege that the events giving rise to this action occurred in this district. Thus, Plaintiff has not demonstrated that venue is proper in this district under § 1391(b)(2). For these reasons, the Court is inclined to dismiss this case under 28 U.S.C. § 1406.

Accordingly, Plaintiff shall show cause in writing, by **January 10, 2022**, why this action should not be dismissed. If Plaintiff fails to respond within the time allowed, or fails to show that venue is proper in the Southern District of New York, the Court shall dismiss this case.

SO ORDERED.

Dated: January 3, 2022
New York, New York



ANALISA TORRES
United States District Judge